REMARKS

Applicant is in receipt of the Office Action mailed March 24, 2005. Claims 1, 15, 17, 26, 30, 48, 58, and 60-63 have been amended. Claims 1-65 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Amendments

The Office Action noted that claim 30 has a typographical error, specifically, a missing period. Applicant has amended claim 30 accordingly. Applicant has also amended the independent claims (and relevant dependents) to clarify the meaning of "graphical program".

Specification and Oath/Declaration

The Office Action noted that there is no commonly named inventor of the current application and application nos. 09/518,492 and 09/595,003. Applicant has amended the Specification accordingly. Applicant has also included a corrected Oath/Declaration herewith omitting claim to priority of these applications.

Section 102 Rejections

Claims 1-65 were rejected under 35 U.S.C. 102(b) as being anticipated by Rubin et al ("Rubin", USP 5,824,361). Applicant respectfully disagrees.

Applicant has assumed that the Examiner actually intended to refer to USP *5,825,361* to Rubin et al, and has responded accordingly.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended claim 1 recites:

1. A method for configuring a node in a graphical program, the method comprising:

displaying a node in a graphical program, wherein the node is configurable to perform a plurality of operations depending upon user input specifying configuration information for the node, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program, and wherein the graphical program is executable to perform the functionality;

displaying a graphical user interface (GUI) for specifying configuration information for the node, wherein the GUI comprises information useable in configuring the node to perform one or more operations from the plurality of operations;

receiving user input via the GUI specifying one or more desired operations for the node from the plurality of operations; and

programmatically generating graphical source code for the node to implement the one or more desired operations, in response to the user input.

The Office Action asserts that Ruben teaches a method for configuring a node in a graphical program, citing Rubin's "node 12", Figure 19, col. 3, lines 28-37. More specifically, the Office Action asserts that Figure 19 and col. 3, lines 28-37 disclose a "graphical network program". Applicant respectfully disagrees.

As stated in the Abstract, Rubin is directed to "A graphics-oriented technique for enabling a user to configure data processing features of a computer system that includes at least one computer". Applicant submits that Figure 19 does not illustrate a graphical program. Rather, as Rubin describes in the cited text:

> FIG. 19 represents the state of SCU window 50 after some setup and configuration has occurred. Note that there is a network connection, represented by the drawing 702 of the network and the two nodes 702a-702b. There are 6 alarms represented by the small icons 703a-703f, and there is a SCADA connection, represented by the drawing 700. There are two drivers configured for this SCADA node, as represented by the iconic regions 7001a-7001b of picture 700.

> Each icon 703a-703f, 7001a-7001b corresponds to an active region of screen 49, as do the pictures of nodes 702a-702b on the network drawing. This is in addition to icons 52-58 in toolbox 51.
>
> Small icons 7001a-7001b correspond to drivers and there is an entry for each of them in SCU Driver Information field 201 of SCU Data structure 125 (FIGS. 2a, 2b). (*emphasis added*)

As indicated, Figure 19 is a diagram graphically illustrating the system configuration. Applicant respectfully nodes that the diagram of Figure 19 is not a graphical program as defined and claimed in the present application, specifically, the diagram of Figure 19 is not a plurality of interconnected nodes that visually indicate functionality of the graphical program. Moreover, Applicant notes that the graphical program of the present invention is executable, i.e., to perform the indicated functionality, whereas the diagram of Figure 19 is not an executable program, but rather is a configuration diagram that also serves as an invocation mechanism for invoking display of configuration dialogs for configuring system components. Rubin is quite clear that the icons in the configuration diagram represent system components, e.g., computers, driver programs, alarms, etc., and are *not* graphical program nodes in an executable graphical program.

Applicant respectfully submits that Rubin's nodes are in fact computers, not graphical program nodes. For example, the cited portion of Rubin reads:

> Referring to FIG. 1, a process control system 10 for monitoring the operation of a facility, includes ***computers 12a-12h that are arranged as nodes*** to communicate over a network 14. Computers 12a-12h are, for example, IBM PS/2 computers. ***Some nodes, e.g., computers 12a-12d (called view nodes), are used to access data that has been gathered from machines in the factory and stored at the remaining nodes, e.g., computers 12e-12h (called supervisory control and data acquisition, or SCADA, nodes)***. System 10 is similar to that described in the '740 application. (*emphasis added*)

As Rubin makes clear in the cited text, the "nodes" are computers networked together, where some of the nodes (computers 12a-12d) are used to view data stored on

other nodes (computers 12e-12h), known as SCADA nodes. Any of the nodes (computers) may execute a system configuration utility (SCU) program.

Similarly, the Examiner asserts that Figure 4 discloses "displaying a node in a graphical program", citing Figure 4's "NODE:SCADA01". Applicant respectfully submits that this label in fact refers to the computer shown in Figure 4, specifically, a SCADA computer on which the SCU program is executing. The description of Figure 4 on col. 8, lines 36-65 reads:

> FIG. 4 describes SCU window 50 which is displayed on display 120 of either a SCADA or view ***node 12*** when SCU program 124 in memory 123 is executed on CPU 121 of that node. At each point during the SCU configuration process, SCU window 50 displays graphical objects (such as icons) that represent enabled data processing features (e.g., processing options and tools) in the actual system 10 that is being configured.
>
> Referring to FIG. 4, SCU window 50 has a number of parts, described briefly here. Menu bar 65 gives users menu control over various options. There is a file control menu 62, titled "File", a configuration control menu 63, titled "Configure", and help menu 64, titled "Help". Tool box 51 is displayed on the bottom portion of screen 49 of SCU window 50. Tool box 51 contains a number of icons 52-58. Each of these icons 52-58 represents an active region of screen 49 which is selectable via the input device 122, e.g. a mouse 122b. At startup, screen 49 also contains a graphical representation of a workstation 59 with display 60. Display 60 of workstation 59, along with other portions of screen 49, are used by SCU program 124 to give the user a constant view of the state of the actual system 10 being configured. ***For example, the name 61, "SCADA01", of the current node on which SCU program 124 is running is shown on display 60.*** (*emphasis added)*

Applicant respectfully submits that Rubin nowhere teaches or suggests a graphical program, nor graphical program nodes. In fact, Rubin never mentions a graphical program or graphical source code at all.

Applicant further submits that since Rubin's node is a computer, and is *not* a graphical program node as described and claimed in the present application, Rubin also fails to teach or suggest "displaying a graphical user interface (GUI) for specifying

configuration information for the node, wherein the GUI comprises information useable in configuring the node to perform one or more operations from the plurality of operations", as well as "receiving user input via the GUI specifying one or more desired operations for the node from the plurality of operations".

The Office Action attempts to equate the GUI of claim 1 with Rubin's toolbox 51. However, Rubin's toolbox 51 is simply a palette for user invocation of configuration dialogs for various aspects of the system. For example, as described in col. 9, lines 34-42:

> When the user selects one of icons 52-58 in toolbox 51, the dialogue box corresponding to that icon appears on a field of display 120, covering part of screen 49 of SCU window 50. Users can select one of many parts of SCU window 50 in order to perform the actions required ***to configure the option corresponding to the selected part***. These actions typically include presenting, on display 120, the user with a dialogue box corresponding ***the configuration options specific to the selected part or option***. (*emphasis added*)

In other words, Rubin discloses a GUI for configuring data processing features of a computer system, and specifically does *not* disclose a GUI for configuring a *graphical program node* to perform one or more of a plurality of possible operations, as recited in claim 1. Additionally, Applicant respectfully submits that Rubin nowhere teaches or suggests "programmatically generating graphical source code for the node to implement the one or more desired operations, in response to the user input." In fact, Rubin never mentions or even hints at program generation, nor source code at all.

Thus, for at least the reasons provided above, Applicant submits that Rubin fails to teach or suggest all the features and limitations of claim 1, and so claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over Rubin, and are thus allowable.

Claims 15, 48, 58, and 60 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant submits that Rubin fails to teach or suggest all the features and limitations of claims 15, 48, 58, and 60, and so claims 15, 48, 58, and 60, and those

claims respectively dependent therefrom, are patentably distinct and non-obvious over Rubin, and are thus allowable.

Applicant respectfully requests removal of the Section 102 rejection of claims 1-65.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-51700/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,

Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 6/24/2005 JCH/MSW